

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:09-CR-00237-RJC

USA

v.

GABRIEL CEDANO-VEGA

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ORDER

**THIS MATTER** is before the Court upon motions of the defendant pro se and through counsel for a reduction of sentence based on retroactive amendments to the United States Sentencing Guidelines regarding drug offenses, (Doc. Nos. 100, 107), his motion for appointment of counsel, (Doc. No. 101), and the government's response in support, (Doc. No. 113).

The defendant pled guilty to conspiring to possess with intent to distribute at least 1,000 kilograms of marijuana (Count One) and 500 grams of methamphetamine (Count Two). (Doc. No. 78: Judgment). At sentencing, the Court determined that the amount of drugs reasonably foreseeable to the defendant was 1,825 kilograms of marijuana and 586 grams of methamphetamine. (Doc. No. 110: Supplemental Presentence Report at 1). The total offense level of 34, combined with a criminal history category of I, resulted in an advisory guideline range of 151-181 months. (Id.). The Court imposed a sentence of 151 months on each count concurrently, the low end of the range. (Doc. No. 78: Judgment at 2).

Under the most recent amendments to the guidelines, the total offense level for the defendant's drug offense is 32, USSG Supp. to Appx. C., Amend. 782 (2014), resulting in an amended guideline range of 121-151 months. (Doc. No. 110: Supplemental Presentence Report

at 2). The defendant seeks a sentence at the low end of the amended range, (Doc. No. 107: Motion at 1), to which the government consents, (Doc. No. 113: Response at 2).

Consistent with 18 U.S.C. § 3582(c)(2), the Court has considered the factors set forth in 18 U.S.C. § 3553(a), as well as the defendant's post-sentence conduct and the public's safety. Based on these factors, the Court finds that a reduction of the defendant's sentence would accomplish the goals of sentencing.

**IT IS, THEREFORE, ORDERED** that the defendant's motions, (Doc. No. 100, 107), are **GRANTED** and the defendant's sentences for Count One and Two are reduced to 121 months on each count concurrently. All other conditions remain unchanged.


**IT IS FURTHER ORDERED** that, if the defendant is released from imprisonment without a residential plan accepted by the United States Probation Office, the defendant shall submit to the local Residential Reentry Center for a period not to exceed 90 days, with work release, at the direction of the U.S. Probation Office, as a condition of supervised release.

**IT IS FURTHER ORDERED** that this Order shall not become effective until November 1, 2015.

**IT IS FURTHER ORDERED** that defendant's pro se motion for appointment of counsel, (Doc. No. 101) is **MOOT**.

The Clerk is directed to certify copies of this Order to the defendant, counsel for the defendant, the Community Defender, the United States Attorney, the United States Marshals Service, and the United States Probation Office.

Signed: October 19, 2015

  
Robert J. Conrad, Jr.  
United States District Judge

